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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,526	08/29/2001	Paul R. Mort III	7472	7799

27752 7590 08/20/2004

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EXAMINER

DOUYON, LORNA M

ART UNIT PAPER NUMBER

1751

DATE MAILED: 08/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/914,526	Applicant(s) MORT III ET AL.	
	Examiner Lorna M. Douyon	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE dated June 3, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Priority

1. An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification or in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The specific reference to any prior nonprovisional application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.
2. The limitations of claims 9 and 10 have been incorporated into claim 1, thereby claims 9 and 10 have been canceled. Claims 1-8, 11-14 are pending.

Claim Rejections - 35 USC § 112

3. Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. On page 2, line 34 (last line) and page 4, lines 24-25, it is stated that the particle core may comprise individual detergent ingredients such as enzyme, bleaching agent...or mixtures thereof. Hence, there is nowhere in the specification wherein the detergent active of claim 8 which comprises bleaching agents, enzymes or mixtures thereof are combined with a blend of anionic surfactants and alkali metal carbonates, which blend is now required in the presently amended

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claim 1. Hence, the limitation of claim 8 is considered as new matter. It is suggested that this claim be canceled.

4. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 is indefinite in the recital of "said blend further comprises a detergent builder material" because claim 1 already recites "alkali metal carbonates" Could it be that the blend further comprises additional detergent builder material other than alkali metal carbonate as shown on page 12, line 8+? In addition, dependency of claim 11 is incorrect. Applicants in their arguments meant to amend this claim to depend from claim 1, however, the claim's dependency from claim 10 was inadvertently not deleted from the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. The rejection of claims 1-3, 6-7, 9, 12-13 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Evans et al. (EP 0,057,611) is withdrawn in view of Applicants' amendment.

9. The rejection of claims 1, 8, 12-14 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Jeffrey et al. (WO 95/28469) is withdrawn in view of Applicants' amendment.

10. The rejection of claims 1-3, 8-9, 12-14 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over GB 1,387,167 is withdrawn in view of Applicants' amendment.

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11. The rejection of claims 1-3, 6-9, 12-13 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Van't Land et al. (US Patent No. 5,707,953) is withdrawn in view of Applicants' amendment.

12. The rejection of claims 4-5 under 35 U.S.C. 103(a) as being unpatentable over GB '167 as applied to the above claims, and further in view of Brichard is withdrawn in view of Applicants' amendment.

13. Claims 1-3, 6-7, 11-13 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Maden et al. (EP 0,353,976), hereinafter "Maden".

Maden teaches an agglomerate comprising dodecyl benzene sulphonic acid, sodium tripolyphosphate, sodium carbonate coated with a solution comprising sodium silicate and tetra sodium salt of ethylene diamine tetra acetic acid wherein after fluidized bed processing the powders comprises 15.7 wt% sodium alkyl aryl sulphonate, 32.4 wt% sodium tripolyphosphate, 1.53 wt% moisture (totaling 49.53 wt%) (see Example 1 on pages 4-5), and the remainder, excess sodium carbonate, sodium sulphate by-product, and the silicate coating. Maden also teaches that the agglomerates may also be coated with an alkali, one of which is sodium carbonate (see abstract; page 3, lines 32-34). Even though Maden does not explicitly disclose the agglomerate having a surface with irregularities and crevices, and surface area reduction as those recited, it would be inherent in the agglomerates of Maden to have surfaces with irregularities and crevices and surface area reduction as those recited because fluidized bed processing similar

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ingredients would have produced agglomerates having the same physical characteristics. Hence, Maden anticipates the claims.

14. Claims 1-3, 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop et al. (US Patent No. 4,783,281), hereinafter "Bishop".

Bishop teaches a spray-dried detergent powder containing anionic surfactant, sodium carbonate, sodium silicate and sodium carbonate, wherein further sodium carbonate (up to 15% by weight) is postdosed to the spray-dried powder (see abstract; Example 2 under cols. 4-5). Bishop, however, fails to disclose the spray-dried detergent powder having a surface with irregularities and crevices and a particle coating layer at least partially covering the detergent powder.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the spray-dried powder of Bishop to have surfaces with irregularities and crevices because spray drying would have produced a product having such physical property and to reasonably expect the postdosing of bicarbonate to at least partially cover the detergent powder because postdosing involve a mixing process which would have partially coated the powder.

15. Claims 1-3, 6-7, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Appel et al. (US Patent No. 4,923,628), hereinafter "Appel".

Appel teaches a granular detergent composition which comprises from 40 to 75% by weight of a spray-dried base powder containing sodium tripolyphosphate, optionally sodium

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sulphate and/or sodium carbonate, and optionally one or more anionic and/or nonionic detergent-active compounds; from 20 to 35% by weight of postdosed sodium sulphate; and optionally from 0 to 40% by weight of other postdosed material (see col. 3, lines 5-22), such as dyes and perfumes (see col. 5, line 67 to col. 6, line 5). Appel, however, fails to disclose the spray-dried detergent powder having a surface with irregularities and crevices and a particle coating layer at least partially covering the spray-dried base powder.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the spray-dried powder of Appel to have surfaces with irregularities and crevices because spray drying would have produced a product having such physical property and to reasonably expect the postdosing of sodium sulphate to at least partially cover the detergent powder because postdosing involve a mixing process which would have partially coated the powder.

16. Claims 1-7, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Appel et al. (US Patent No. 6,069,124), hereinafter "Appel".

Appel teaches a detergent composition comprising a mixture of a mechanically mixed granulate comprising synthetic surfactant material and builder like sodium carbonate, a spray-dried adjunct comprising inorganic material preferably Burkeite (sodium carbonate/sodium sulphate double salt, and postdosed ingredients like dyes and perfumes (see abstract; col. 7, lines 16-17; col. 9, lines 4-19; Table 2 under col. 13). Appel also teaches that the granulate and spray-dried adjunct are mixed together by any suitable means so as to produce the granular detergent compositions (see col. 8, lines 57-67). Appel, however, fails to disclose the granulate having a

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surface with irregularities and crevices and a particle coating layer at least partially covering the granulate.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the granulate of Appel to have surfaces with irregularities and crevices because mechanical mixing would have produced a product having such physical property and to reasonably expect the mixing of the spray dried Burkeite with the granulate to at least partially cover the granulate because such mixing would have partially coated the powder.

Response to Arguments

17. Applicant's arguments filed August 3, 2004 have been fully considered but they are not persuasive.

With respect to the rejection based upon Maden, Applicants argue that the reference does not teach or suggest either expressly or implicitly a particle core which is an agglomerate having a surface with irregularities and crevices and a particle coating at least partially covering the particle core, the particle core comprising the recited anionic surfactants and alkali metal carbonate and wherein the particle coating layer provides a surface area reduction of at least about 10%.

The Examiner respectfully disagrees with the above argument because Maden, as seen in Example 1 on pages 4-5, teaches an agglomerate comprising an anionic surfactant (product formed after adding dodecyl benzene sulphonic acid to a mixture of dry blended ingredients comprising sodium carbonate) and excess sodium carbonate, (excess after the neutralization process) which was coated with a sodium silicate solution. As stated above, even though Maden

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does not explicitly disclose the agglomerate having a surface with irregularities and crevices, and surface area reduction as those recited, it would be inherent in the agglomerates of Maden to have surfaces with irregularities and crevices and surface area reduction as those recited because fluidized bed processing similar ingredients would have produced agglomerates having the same physical characteristics.

Conclusion

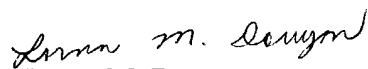
18. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. The references are considered cumulative to or less material than those discussed above.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lorna M. Douyon
Primary Examiner
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